A

VINDICATION

OF A

DISCOURSE

CONCERNING THE

UNREASONABLENESS

OF A

New Separation,

On Account of the

OATHS,

FROM THE

Exceptions made againſt it in a Tract called,

A Brief Anſwer to a Late Diſcourſe, &c.

LONDON:

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TO THE

READER

THE *laſt Year there was Publiſh'd a* Diſcourſe concerning the Unreaſonableneſs of a New Separation on account of the preſent Oaths; *in which the Learned Author endeavoured to prevent that Schiſm which we were then threatned with, and hath ſince broke out amongſt us; begun by ſome few that were diſſatisfied about the Oaths, and upon that account quitted their Preferments; but improved by others (tho thanks be to God, with little Succeſs) who are diſaffected to the preſent Government, and take all ways to render it uneaſie. To the foreſaid Book at*

laſt Two Anſwers have been given; the one called, A Brief Anſwer; *the other,* An Enquiry into the remarkable Inſtances of Hiſtory, uſed by the Author of the Unreaſonableneſs, *&c. The former with much Virulence, and more Heat than Judgment, directly vindicates the* New Separation; *in the examination of which I have concerned my ſelf; and no further with the Second, than the Reaſons there inſinuated and touched upon, fall in with the former. As for what concerns the* Enquiry into the Inſtances, *and their Vindication againſt the Cavils of that Pretender to* Engliſh Hiſtory (*for ſo I call him, becauſe I find him to be a downright* Plagiary *from Dr.* Brady's *Writings*), *I ſhall leave it to the Author, who Himſelf in a ſhort time will give the World an Account of that Matter.*

A VINDICATION OF *A Diſcourſe concerning the Unreaſonableneſs of a New Separation*, &c.

THE Author of the *Brief Anſwer*, toward the Cloſe of his Paper, thus profeſſeth of himſelf: *For many Reaſons, I am unwilling to judge ſeverely of my Brethren, who have ſworn; nor hath any Man been more forbearing.*

If this Champion of the Cauſe he appears in, had entred the Liſts, and begun his Pamphlet with ſuch a Declaration, there might have been ſome favourable Conſtruction put upon it; tho' in the proceſs of his Diſcourſe he had been tranſported beyond his firſt intention, by a zeal for his own Cauſe on one hand, and the force of his Adverſary's Arguments on the other: But to conclude with an *I am unwilling to judge ſeverely*, after he had ſpared neither the Order he profeſſeth himſelf to be of; nor his Adverſary, whoſe Character,

racter, Dignity, and Learning, he ſometimes is pleaſed to acknowledge, is a ſort of refining, not ſubtil enough to take with the preſent Age, and a practice too groſs to put upon an impartial and conſiderate Reader.

For, as for thoſe he once in an over-flowing fit of Charity calls *Brethren*, they are in his Dialect a Pack of *Jolly Swearers*, pag. 2. Such as *betray their Conſciences for large Preferments*, p. 4. And he might have added, when his hand was in, that damn their Souls by the *Perjury* he charges them with, *p.* 7.

As for his Adverſary, He is one, according to the Character this Author frames for him, that is *old excellent at muſtering up the Ill Preſidents*, p. 6. That *hath deſpiſed all ſorts of Perſons, as ignorant and ſilly in reſpect of himſelf*, p. 11. *A Man who lays aſide all his Divinity, for a little bad Law, and worſe Hiſtory*, p. 15. And, to clinch the whole, thus ſets him off; *A learned Doctor, nay* (*God be merciful to us!*) *a Biſhop, ſo ſtiled, of our Church.* This, in his Language, is no *ſevere Judgement*; and after all (if you will believe him) *no man hath been more forbearing than himſelf.*

So much ſhall ſerve for a Proof of his Candour and Sincerity: let us now try how this huffing *Philiſtine*, who thus ſtruts over his Adverſary, behaves himſelf in cloſe fighting.

The whole of what he ſaith, may be reduced to theſe Three Heads.

I. Church Communion and Schiſm.

II. Publick Good.

III. Obedience to Authority.

§ 1. *Of Church-Communion and Schiſm.*

The Author of the *Diſcourſe concerning the Unreaſonableneſs*, &c. profeſſeth, That *he was not a little ſurprized*,

1. The

1. That theſe New Separatiſts, *that expreſs'd ſo great a ſenſe of Schiſm in others, ſhould be ſo ready to fall into it themſelves.* 2. That they *do it upon the account of ſcruples, when the difference is only about the Reſolution of a Caſe of Conſcience, wherein Wiſe and Good Men may eaſily differ.*

To the firſt, the Author of the *Brief Anſwer* replies, *They do not fall, but are forced into it*: Which I ſhall conſider in its due place, when he undertakes to prove it.

To the ſecond, he gives a ſpiteful return: *But is then a Caſe of Conſcience really ſo trivial a thing?* And after he hath gravely prov'd the contrary for a Column together, concludes with a ſpecial piece of Admonition to his Adverſary; *Therefore, whatſoever our Author may think, I ſhall deſire him henceforward to ſpeak more reverendly of a Caſe of Conſcience*, &c.

But here this Author has over-run the Point; for the word *Only*, is not (as he perverſly will have it) as if a Caſe of Conſcience was not a matter of conſequence; but that the taking or not taking the Oaths, is *only* a Caſe of Conſcience, not Matter of Doctrine. For the Diſpute is not, Whether an Oath be lawful or not? but, Whether this preſent Oath be ſo? Which being a matter of a Civil Nature, muſt depend upon the knowledge of the Conſtitution and Laws of this Realm for its reſolution; which *Wiſe and Good Men may eaſily differ in*, as the Author of the *Diſcourſe* obſerves: and ſo there can be no reaſon for thoſe that ſcruple the Oath, to ſeparate from the Communion of thoſe that take it.

This premiſed, that learned Author ſeaſonably prevents and removes the Pleas that may be made for ſuch a Separation.

Which

As,

1. "When any thing Unlawful is made a Condition "of Communion.

2. "That it's unlawful to join with those that have "taken the Oaths; and so have done, and continue to "do and defend what they, that refuse Communion, ac- "count unlawful.

As to the first, the *Discourse* shews, That the Terms of our Communion are not altered; and that taking the Oaths is made no *Condition of Communion* with us.

As to the second, *It* observes, That this is *the Scruple about Mix'd Communion, which hath been so long exploded among us.*

Upon the first, our Author coldly replies, *I could have told him forty things which they are not; and if he should be out in that one he mentions, it would be very unlucky; and that he is so, I shall endeavour in its proper place to prove.* But in the mean time, if amongst the *forty things the Oaths are not*, they shall not be found to be the Condition of Communion, they can be no reason for breaking off from that Communion. And I grant, he may sooner tell of *forty things the Oaths are not*, than prove that they are made the Conditions of Communion; or that They may separate from the Church for such things as are not made Conditions of Communion with it.

As to the second, *The Case* of *Mix'd Communion*, our Author is very careful to pass it over in silence: and instead of that, borrows a sorry Invective from some of his Friends of the Church of *Rome*, *I could tell him of a man*, &c. and in the Answer to their Books, he will find the Reply. But he then takes a step back to make a Reflection upon what he thinks may better suit his purpose: For his Adversary having put a Case, *Suppose*

those

thoſe who take the Oaths to blame; if they act according to their Conſciences therein, what ground is there for a Separation from them for ſo doing, unleſs it be lawful to ſeparate from all ſuch who follow the Dictates of an erroneous Conſcience? and ſo there will be no end of Separation, &c. Our Author ſmartly returns upon him; *At this rate, there will be no end of Trifling and Sophiſtry; for if I am bound to ſeparate from ſome erroneous Conſcience, why muſt it needs be lawful to ſeparate from all?* &c. And here, according to his wont when he has none to oppoſe him, he ſtates and argues the Point out and out.

But this is another of his Blunders. The plain Caſe is this: His Adverſary having juſt before ſhew'd the taking of the Oaths to be no Condition of Communion, adds, *And if they are not, what colour can there be for breaking Communion on the Account of the Oaths?* And then follows, *Suppoſe they are to blame,* &c. That is, If the Oaths are not made a Condition of Communion, what imaginable Cauſe can there be aſſign'd for a Separation, unleſs it be becauſe *they are to blame*, by acting according to an erroneous Conſcience? and then this will be endleſs.

Theſe general Reflections paſt, the Author of *the Unreaſonableneſs*, &c. takes the *Main Point* into Conſideration; viz. *Whether there be any reaſon for thoſe Scruples about the Oaths? For if there be not, it will be granted, That there can be no Obligation for a Separation on the account of them.*

But it ſeems that Author was under a great miſtake in his taking it for *granted*; for our Author ſtands up in oppoſition to it, and ſaith, *He hath not fairly and truly ſtated the Caſe: For the Queſtion is not nakedly and ſimply, Whether the Oaths may or may not be lawfully taken? but, Whether Oaths impoſed under ſuch unjuſt and*

 mercileſs

mercileſs Penalties, and attended with ſuch fatal Conſequences, will not warrant the Non-Swearers in a Separation from ſuch as do?

But this is another of his miſtakes; for nothing can be more plain than that, if there be no reaſon for the Scruples about the Oaths, there can be no reaſon for their ſake to ſeparate from thoſe that take them: And therefore that Author took the moſt proper courſe that could be, to prove the Unlawfulneſs of the preſent Separation, from the Lawfulneſs of taking them. For if the Oaths are Lawful, the Penalties, how *unjuſt* and rigorous ſoever, cannot make them Unlawful: and the Conſequences cannot be *fatal*, if thoſe that are now Non-Swearers, are convinc'd of the lawfulneſs of the Oaths, and ſo take them.

This brings me to conſider his Arguments in juſtification of the preſent Separation; and what he hath ſaid confuſedly, I think may be commodiouſly rank'd under theſe Three Heads.

1. That the Penalties to be inflicted upon them, *want nothing of being a Condition of Communion to them*, quatenus *Miniſters*, p. 3, 4.
2. That their Authority is from Chriſt, and ſo *no Secular Power can Unbiſhop and Unprieſt*, or diſable them, p. 4, 5.
3. That they are bound to obey their Biſhops and Metropolitan, p. 5, 6.

"*Arg.* 1. The Oaths being impoſed under ſuch unjuſt "and mercileſs Penalties, and attended with ſuch fatal "Conſequences, will warrant Separation; and *want* "*nothing of being made a Condition of Communion*, &c.

Now

Now to ſpeak in his way, *There may be forty things* we know, which may have the ſame *fatal Conſequence*; for ſo it would be if the Clergy ſhould not ſubſcribe to the Service-Book and Articles; if they ſhould not declare their Aſſent and Conſent to all and every thing contained in the Book of Common-Prayer. And ſo it would have been in former Kings Reigns, if the Oaths of Allegiance and Supremacy had not been taken. So that there always was upon this Author's Argument, a ſufficient warrant for Non Swearers and Non Conformers, to Separate from thoſe that did ſwear and did conform. For Papiſt and Diſſenter will join with him in the Clamour, and each for themſelves, as he for his own, will complain of *unjuſt and mercileſs Penalties*. *Penalties* there are, and they are great, but they are neither *unjuſt* or *mercileſs*, if the Government is not otherwiſe to be ſecured. But it doth not ſeem that they are *unjuſt and mercileſs*, by his way of repreſenting them; for as if he did not believe it himſelf, he is fain to dreſs them up with all the *Sanbenito's* of an Inquiſition, and the moſt extravagant aggravations; for thus he *opens the caſe*: ——— *After Six Months warning, and frequent rabling, if we take not the Oaths, we are ſilenced for Six Months more*; *ſo then* (mark the conſequence) *if the Oaths be not taken, all the Churches in* England *muſt be ſhut up. I know not any conſiderable difference betwixt this and a Popiſh Interdict*; *neither matters it much, whether we lie at the mercy of the Pope or a Parliament, whether God ſhall be worſhipped in the Land, or not*, &c.

So that it ſeems by their not taking the Oaths, and their deprivation upon it, we have neither *God* nor *Religion* among us, (in the Phraſe of their new Liturgy;) or in the Phraſe uſed upon the like occaſion by others, the Ark of God is removed, and the Glory departed

from our *Iſrael*. But though we pity other mens miſeries, and could wiſh that our Brethren were as we are; yet we bleſs God, that whereas by the Pope's Interdict every Church was required to be ſhut in the Land, (as it was for above Six Years in the Reign of King *John*) all ours are open: And though the Few that refuſe the Oaths, and now remain deprived, are too many, yet that theſe neither bear the proportion of the 12000 to the 16000 of the Clergy that were outed in Q. *Mary's* time, (as *M. Parker* computes it) nor of the 2000 to the 10000, as it's ſaid was in the Reign of King *Charles* II.

But to return to the Point, *What*, ſaith he, *doth this want of being made a condition of Communion to us, quatenus Miniſters?*

To this I anſwer,

1. Suppoſe it to want nothing of being made a condition of Communion to them, as Miniſters, yet what is this to the People, of whom, as Church-Members, that is not required? This is a tender Point, and what he durſt not touch upon: For grant that they had cauſe to ſeparate, yet what would they do without a People? And how would the People juſtifie their Separation with the Miniſters, upon whom no ſuch Obligations were laid, as on the Miniſters? So that tho the Non-ſwearing Clergy might lawfully ſeparate without ſin from our Communion, yet they muſt ſeparate alone; while none of the People could join with them in their Separation, without being guilty of a notorious Schiſm. For what reaſon would there have been for the Miniſters Separation, if the Oaths had not been required of them? And what reaſon can there be then for the Peoples Non-Communion, who (as Church-Members) ſtand as free from ſuch Obligations, as if no ſuch Revolution

as

as the preſent had hapned, and no ſuch Oaths had been at all impoſed.

2. Though there be this obligation laid upon Miniſters, yet what is this Political Security required of them, to their Communion with the Church? May Perſons when grieved by the Secular Power, and deprived of their Livelihoods by an Act of Parliament, revenge it upon the Church? And will they interdict themſelves its Communion, and break it in pieces, becauſe they are thus injured, as they ſuppoſe?

3. If they are not ſuffered to officiate as Miniſters, yet they may ſtill join in the ſame Communion as Laymen.

To this he anſwers,

If no Lay-Power can make or unmake a Biſhop, Prieſt, or Deacon, then the Charge of our Miniſtry will ſtill lye upon us, notwithſtanding this depriving Act, and neceſſity will lye upon us to diſcharge it at our Peril.

This leads me to his Second Argument; but before I proceed to it, let him underſtand, That he proceeds upon a groſs miſtake, by confounding Deprivation with Degradation. For what Act is there that doth (in his Phraſe, *p.* 5.) *Un Biſhop and Un-Prieſt men*? All that the Civil Power here pretends to, is to ſecure it ſelf againſt the practices of Diſſatisfied Perſons, and to try who are ſuch, it requires an Oath of Allegiance to be taken to their Majeſties, by all in Office, Eccleſiaſtical, Civil or Military: And in caſe of Refuſal, by Deprivation to diſable ſuch, as far as they can, from endangering the Publick Safety. But if the Clergy ſo deprived think fit to take the Oaths, they are in *ſtatu quo*, without any New Conſecration or Re-Ordination.

Having cleared the Argument of this miſtake, I ſhall now conſider it.

Arg. 2. *A Clergy-man's Authority is from God; and notwithſtanding any Civil Act to the contrary, he is bound to take care of his Office, though the moſt bitter Perſecutions attend him for ſo doing. And therefore if they will warrant a Civil Act to diſable us from doing our Duties, they muſt excuſe us, if we have theſe dreadful apprehenſions of the Account we have to give; That we endeavour to do it as we can at our hazard, when we are not ſuffered to do it in Communion with them*, p. 4.

The Sum of his Argument is, That being they receive their Authority from God, no Civil Power can diſable them from the exerciſe of their duty: And if it doth, they are bound to quit the Communion of the Church, where ſo diſabled. The Force of which may be reſolved into theſe Three Queſtions.

Q. 1. Whether a Biſhop duly Conſecrated, or a Miniſter duly Ordain'd, may not be lawfully ſuſpended and deprived from the execution of his Office, by the Secular Power, where there is ſufficient reaſon for it?

2. Whether a Refuſal to give Security to the Secular Power for a peaceable behaviour, and Obedience, by Oath, may not be a ſufficient reaſon?

3. Whether if ſo deprived, he is notwithſtanding bound as a private Member to join in Communion with that Church whereof he was a Miniſter before; if nothing unlawful be required of him in that Communion; and not to ſeparate from it?

Q. 1. As to the firſt, Whether a Biſhop duly conſecrated, *&c.* our Author is not very clear; but if he is to be underſtood, he takes away all ſuch Power from the Secular Authority. So p. 5. *Our Metropolitan, and ſeveral other Biſhops, are now actually by a ſecular Act Deprived. But are they Deprived by any Canons, or Canonical Cenſures of*

of the Church? And he makes a ſutable Diſtinction betwixt what he allows to the One, and not to the Other: viz. *I ſhall eaſily grant, that the Secular Power hath often ſeized Eſtates, and impriſoned and baniſhed their Perſons: but ſtill they were accounted Biſhops of Thoſe Churches, and ceaſed not to diſcharge their Duty*, &c. And p. 6. *Our Author will think to tell us Tales, How Emperours have put out Biſhops*, &c. *But it is one thing to act in purſuance of the Canons of the Church, and another thing to act againſt them*, &c.

Now, in anſwer to all this ramble, I ſhall tranſcribe what the judicious *Miſon* reply'd to two or three Objections of this kind. [*De Miniſt. Angl. l.* 3. *c.* 6.]

Object. "Is not the Depoſition of a Biſhop a Spiri-
"tual Cenſure? how therefore can it be aſcribed to Se-
"cular Powers?

Anſw. "The Secular Powers depoſe a Biſhop, not by
" way of Degradation, but Excluſion. They exclude
"him, not from his Orders, as if he had them not;
"but from the Gift, that he may not exerciſe it. And
" not from that neither abſolutely, but after a ſort; that
" he ſhould not exerciſe his Office, as to their Subjects,
"nor in their Dominions. Which the holieſt Princes
"in the Beſt and Primitive Times have often exer-
"ciſed.

Object. "Can a Prince take away what he cannot
"give?

Anſw. "He cannot give, and ſo cannot take away
"the intrinſick Power of the Word and Sacraments,
"proceeding from the Keys of Ordination: but the ex-
"trinſical Power and Licenſe of exerciſing the Miniſte-
"rial Office, received by Ordination, he can in his Do-
" minions confer, and again take away, if the Caſe ſo
"requires.

I leave

I leave the reſt about an Act of Parliament to this Author's peruſal, at his leiſure.

Q. 2. Whether it may not be lawful for the Secular Power to deprive Perſons in Orders, for Crimes committed againſt the State, and particularly, upon refuſal to give Security to the Government for their peaceable Behaviour, and Allegiance by Oath?

The General, our Author expreſly denies; and the Particular Caſe he will not allow, becauſe it's the reaſon why the General was maintained. So he ſaith, p. 5.

Neither the Clergy nor People [in the Primitive Times] *renounced their Biſhops, unleſs they were guilty of ſuch Crimes for which the Cenſures of the Church did depoſe them, or the Canons* ipſo facto *deprive them. But where's the Hereſie? where are any of all theſe Crimes, for which theſe our Biſhops merit Depoſition; or what juſt Cenſure of the Church hath paſs'd upon them?*

Now I anſwer with *Maſon*, Where was the Act of the Church, in the Depoſition of *Abiathar?* And where was the Eccleſiaſtical Crime he was charg'd with?

And as to the Oaths, I ſhall anſwer again in the words of the ſame celebrated Author: "Not without Cauſe "was there a Law made, That all Magiſtrates, whether "Sacerdotal or Civil, ſhould take an Oath, That the Queen "[*Eliz.*] was Supreme Governour, and under the pain "of Depoſition: Which Oath ſince the Popiſh Biſhops "refuſed, they were deprived of their Honours and "Churches: nor undeſervedly, becauſe they were pre-"ſumed to be for the Pope's Supremacy.

And the ſame parity of reaſon may hold for Adminiſtring and Taking the Oath of Allegiance to King *William* and Queen *Mary*, ſince they that refuſe to take That, may be preſumed to think their Allegiance due to another.

And

And that Author adds further, when the ſaid Oath was tendred to thoſe Biſhops by illuſtrious Perſons deputed thereunto, and they would not be perſwaded to take it, *Epiſcopatibus ſuis tandem aliquando juxta legem Parliamentariam ſunt abdicati*; which I leave to our Author to Engliſh.

I think this Caſe is at an end.

Q. 3. Whether if a Perſon be lawfully deprived of the exerciſe of his Miniſtry, he is notwithſtanding bound, as a private Member, to communicate in that Church, *&c.*

This our Author denies, for he would have it, that they are bound to continue in the exerciſe of their Office, to do it *as they can, when not ſuffered to do it in Communion with them*. *Not ſuffered*, he means without taking the Oaths.

The Sum is, That if they are not permitted to exerciſe their Miniſterial Function, they think themſelves obliged to ſet up Conventicles, and maintain a ſeparate Communion.

Now this may make two Queſtions.

Whether Ordination obliges ſuch an one to the actual exerciſe of his Office, when forbid by the Magiſtrate? And then whether for the exerciſe of his Miniſtry, he may and is obliged to ſet up and maintain a ſeparate Communion?

1. Whether Ordination obliges ſuch an one, *&c.*

To this I anſwer: If a Magiſtrate may lawfully deprive, (as I have ſhewed he may) then the Clerk may be lawfully deprived. And if lawfully deprived, he is bound to ſubmit to ſuch Deprivation. And that in obedience to the Magiſtrate, whom we are taught (as he knows) not to reſiſt. But to officiate notwithſtanding ſuch a Prohibition, is in our way to take up

Arms against him; and in a lower to do what the Pope doth in a higher Station, and to controul his Jurisdiction. Our Author undertakes to tell us what was done in the Primitive Times: but if he had consulted them, he would have found, that when by the Imperial Power *Eustathius* was put out of *Antioch*, *Athanasius* out of *Alexandria*, and *Paulus* out of *Constantinople*, though the Orthodox complained of the Injustice of it, as done upon the malicious suggestion of the *Arians*, yet they never questioned the Emperour's Power. But supposing that he is not bound in this case; and that he may as lawfully, and is as much obliged to exercise his Office as ever: Yet what is this to a Separation? For is he so obliged, that rather than not officiate, he may and ought to break off from Communion with the Church? It's agreed to by all, that we are to continue in the Communion of the Church we are of as long as we can; and that a Separation from it is like a Divorce; which is the last Extremity, and which nothing can justify but when the Terms of Communion are unlawful. But one deprived of his Ministry may hold Communion with the Church if he will, since there is no change in the Terms, and the Church is as much the same when he is not a Minister in it as when he is: And his officiating as a Minister, being not a Term of Communion, the Communion with it is the same when he is not a Minister as when he is.

This was true Doctrine against the Dissenters when time was; he was a Schismatick who gave this as a reason for his Separation. And if they now proceed on the same Principles with the Dissenters, and take up their Arguments, there is as much reason to charge them with Schism, as they had to charge the Dissenters.

Arg.

Arg. 3. He argues from the Subjection the People and Clergy owe to the Biſhops, and the Biſhops owe to their Metropolitan: So that if Biſhops or Metropolitan be deprived, and others ſubſtituted in their room, *it will unavoidably neceſſitate a Schiſm.*

Our Author that undertakes to give us an account of the *Senſe, Judgment,* and *Practice* of the *primitive times,* would have done well to have given us a touch or two of his Skill that way, by ſome credible Authorities; and particularly of ſuch a Subjection of the Biſhop to the Metropolitan, to the Confutation of ſome of St. *Cyprian*'s Epiſtles: And that Biſhops after the Proceedings againſt them by Imperial Authority, were *ſtill accounted Biſhops of thoſe Churches* they before were Biſhops of,—and *neither Clergy nor People renounced them, unleſs they were guilty of ſuch Crimes, for which the Cenſures of the Church did depoſe them, or the Canons* ipſo facto *deprive them,* as Hereſie: or that there is no way to free us from the Subjection and Obedience we owe to them, but either *Death, Deprivation,* or their own *Renuntiation*; *which laſt,* he ſaith, *was never accounted commendable in a Biſhop.* For the Chriſtian World has hitherto been perſuaded, that in ſitting Caſes both Biſhops might be deprived, and both Clergy and People diſcharged of any Obedience owing to them, by a ſecular Authority: (as has been ſhewed) But if what this Author ſuggeſts, be a juſt Enumeration of all the caſes for which Biſhops may be deprived; then there is no caſe in reſerve for the ſecular Power to forbid or deprive; and *if by the Impetuoſity of that Power* (as his Words are) *a Biſhop was ſet over a Church or Dioceſs, in oppoſition to one there canonically placed already, it would always in courſe produce a Schiſm.* This he ſaith *was,* and this

is the caſe, *for our Metropolitan and ſeveral other Biſhops are now actually by a Secular Act deprived*, and becauſe *by a ſecular Act deprived*, and *for no Crimes for which the Cenſures of the Church depoſe them; they are Biſhops ſtill, and they are bound to take care of their Churches*, and their Churches *to live in Subjection to them.*

This Subject cannot be thorowly handled without paſſing ſome Limits I deſire not to tranſgreſs, though the way that he has handled it in, and the ſmall Deference he gives to, nay the Contempt he caſts upon the ſecular Power, concerning it ſelf and interpoſing in the caſe, deſerves a ſevere Rebuke; and which is ſo far from doing any real Service to the Right Reverend Perſons he takes upon him to defend, that it would be to their Diſadvantage, had not the Impertinency of the Perſon plainly diſcovered, there are none of them in his Counſel.

But to return to our Author, ſuppoſe the caſe be as he repreſents it, how comes this to *neceſſitate* a Schiſm with us?

Is it becauſe theſe venerable Perſons ſtand deprived? Then it is not becauſe of any thing unlawful in the Church, but becauſe of the Biſhops that ſuffer by the State, a Schiſm may warrantably be made by the Clergy and People.

Is it not for that reaſon alone, but becauſe others are to be ſubſtituted in their room; then why is there a Separation before it; and his Argument proceeds upon this, that they are bound to join and go along with the Biſhops.

Why muſt this neceſſitate a Schiſm to all? For are thoſe Dioceſſes and Clergy, who have their Biſhops, equally involved in the ſame caſe with thoſe that are deprived of theirs?

Or

Or why muſt it neceſſitate a Schiſm, when the Metropolitan and Biſhops deprived, declare their Averſion to any ſuch Separation?

This Argument will ſerve either way; for if the Clergy and People are obliged to ſubmit to and obey their Biſhops, and the Biſhops their Metropolitans; Then thoſe that are of the Province and Dioceſſes, where their Metropolitan and Biſhops have taken the Oaths, are obliged to adhere to their Metropolitan and Biſhops, and may as warrantably and as much ought to ſeparate from theſe that ſet themſelves againſt Authority, and refuſe to ſwear Allegiance to it, as they on the other ſide think they may and ought to ſeparate from thoſe that do comply with it.

Again if they are obliged thus to go with their Metropolitan and Biſhops; then if the Metropolitan and Biſhops, notwithſtanding their Deprivation, continue in the Communion of the Church, then they are obliged alſo to continue; and if they ſeparate when thoſe don't ſeparate, they muſt by his Argument become Schiſmaticks.

Laſtly, If they ſeparate becauſe they proceed (as he ſaith) *according to the Senſe, Judgment, and Practice of the Ancient Church:* I would fain underſtand, when the Chriſtians ever refuſed Communion with a Church, becauſe of Matters of State; or divided from others, becauſe thoſe they divide from thought it lawful and their Duty to ſwear Allegiance to the Sovereign Power?

In fine, a Schiſm it muſt be, and a Schiſm they are reſolved to make, let there be a reaſon or none for it: And (as Truth will out) ſo he hath at laſt revealed the Myſtery, and after all the pretences they make, that it's *for not deſerting God his Church and their Du-*

ty;

ty; there ſeems to be ſomething elſe at the bottom, and whether it be ſo or no, I leave the Reader to judg by what he tells us we muſt expect, and why: viz. *Though they may go clothed in Purple and fine Linen* (as ſome others would have done, or thought to have done, had the happy days of the laſt Reign continued) *and fare ſumptuouſly every day, whilſt care is taken that we may be ſtarved; yet they muſt expect to be Pelted, and then Men will ſpeak and write their Minds freely. For in vain do you imagine, that when Men have nothing to loſe, they have any thing to fear.* No Sirs, if nothing elſe will do it, we will humble you, and throw ſuch a Fire into your Church by the Schiſm we will make; that you may be ſenſible you have provoked Men of Spirit, and that if we cannot have Purple and fine Linnen, and ſumptuous Fare with you, will make you as miſerable as our ſelves. Look you to it, for betwixt Diſſenter and Diſſenter, we will grind you to Death, and make you rue that ever we left your Church; or that the Government hath made us thus uneaſy under it.

This I take to be but a juſt Comment on this bold Text of his: But let him and thoſe of his Mind cheriſh this malignant humour. I am confident no wiſe or good Man but will think thoſe that are of this Kidney had better be out of the Church than in it: They are ſuch as there was no great reaſon to oblige, when in our Communion, nor to fear (threaten as they will) when out of it.

But as for thoſe whom by their frantick Zeal and fair Pretences they delude, we ought to pity and to pray for them, and with Meekneſs to ſhew them their Error.

Whether our Author hath *ſtated the caſe rightly*, I

ſhall

ſhall, with him, *leave to indifferent Perſons to judg:* but if he hath not (as I think has been ſufficiently proved) then, to uſe his Words, *they may waſh their Hands with* Pilate, *but they cannot wipe off the Crime of Schiſm*, they are by this new Separation juſtly charged with.

§. II. Of the Publick Good.

But now he opens a new Scene. Before he conſidered the caſe with reſpect to the Church, but now he comes to conſider it with reſpect to the State. His Deſign before was to vindicate themſelves, if he could, from a Schiſm, and to charge it upon us: But now his Deſign is to expoſe the Arguments for the Oaths, and to make thoſe that take them guilty of *Perjury*. In order to which, he thus ſtates the caſe for his Adverſary; *The whole ſtreſs of his Diſcourſe*, ſaith he, *is founded on this ſingle Point.* '*That the* '*Conſideration of the publick Good, doth diſſolve the Ob-* '*ligation of an Oath to a Sovereign Prince, rightfully* '*claiming. For this he muſt mean, if he will ſpeak to the Purpoſe.*

In Oppoſition to this, he ſaith, *That no Pretence of publick Good whatſoever can warrant us to deſtroy a lawful King, or take off the Obligations of an Oath, whereby we have bound our ſelves in all things lawful and honeſt to obey him.* And he immediately adds, *The contrary our R. Author undertakes to prove; which I cannot reflect upon without Grief; becauſe it ſeems to me a task, which would much better become a Committee-Man, or Sequeſtrator, than a Divine of the Church of* England. And certainly ſo it would, if the Author of the *Diſcourſe* had undertaken to prove what he here charges

charges him with, viz. *That the publick Good will warrant us to deſtroy a lawful King*, &c. But all the while this Man cannot believe himſelf, and therefore he returns to the Conſideration of the Propoſition concerning the diſſolving of an Oath for the ſake of the publick Good: or as the *Diſcourſe* words it, *p.* 7. *The publick Good is the true and juſt Meaſure of the Obligation in publick Oaths.* Againſt which he ſaith, *If we ſhould grant that he had proved it in Theſi, yet he has no where ſo much as offered to prove it in Hypotheſi, and apply it to our particular caſe.*

Surely our Author never read the Book he pretends to anſwer, or if he did, he muſt have a bad Memory, or a very bad Conſcience: for the *Diſcourſe* thus proceeds upon it, *p.* 3.

I ſhall enquire into two Things.

1. *The Nature and Meaſure and Obligation of political Oaths in general.*

2. *The Difficulties which relate to our Oaths in particular*; upon the laſt of which he ſpends two thirds of the Book.

And now let us ſee what our Author has to offer in Confutation of what is rightly called the *ſingle Point*, in the *Diſcourſe* about the Obligation of Political Oaths, and the Influence the Conſideration of the publick Good has in them.

I ſhall try, in his Phraſe, to bring *his rambling Arguments* into ſome order; and what he has to ſay is,

1. That the publick Good is impracticable and liable to be abuſed.

2. Who ſhall be the Judg?

3. What is the publick Good?

I hope he will give me leave to begin with the laſt, if not for the ſake of reaſon and true order, yet for the

the quaint Expreſſion of his Friend, that *publick or common Good is a common Notion, and ſignifies nothing unleſs it be ſtated and explained*, Inquiry, p. 10.

1. What is this publick Good? Our Author enters upon this Point in a fit of Quixotiſm; I *deſire to know of our Author where this Divine Beauty dwells, whom all our Knights Errants run mad for, and fill the World with Blood and Slaughter?* And he anſwers for him in a very Metaphyſical ſtrain; *She is generally made a delicate fine thing in the Abſtract, a ſeparate inviſible Being, diſtinguiſh'd from all perſonal Intereſt and Benefit.* Now with his good leave, I deſire to know of him, where theſe Platonick Gentlemen live, that doat thus upon Ideas and Abſtracts, and run mad for ſuch a ſeparate and inviſible Being, which they call *Publick Good*; that is, in his phraſe, *good for no body.* For I am apt to fancy no body will be found to be for that any more than himſelf.

But let's ſee whether he that keeps out of this *mad Crew*, (as he calls it) and that is *willing to put in for a ſhare* in it, comes off with any better Succeſs; and whether after all the Knowledg he pretends to have of this *Divine Beauty*, he can better deſcribe it?

Publick Good, ſaith he, *is a perſonal Good, and that which makes for the welfare of every one in the Community; and which every Man hath or ought to have a ſhare in.* Or if you would have it in the ſame Quixotian ſtrain, *She is a moſt ſweet-natur'd Creature, that doth good to all*, &c. To do him right, as to the Notion he is not alone; for the ſame way goes the *Inquirer*, p. 10.

Now I very much queſtion this their Notion of *Publick Good.* I grant that every particular Perſon

hath his ſhare and right in the Publick. But,

1. That is not as a particular Perſon, but as a Member of the Publick. And he actually ſhares in it, when his particular Good and the Good of the Whole, or the General Good, meet together: but if they are ſeparated, and become inconſiſtent, it then becomes a perſonal and private Good.

2. Publick Good is ſo far from comprehending in it the Good of every *Individual*, or of every Party of Men, that the particular Good of Perſons, Parties and Corporations is often deſtroyed for the Good of the Publick; and they are often undone for the preſervation and benefit of the Community: For as the *Inquiry* (though in contradiction to himſelf in the Sentence juſt before) ſaith, *If it be ſuch a Good (or rather ſuch an Evil) as is only for the benefit of a Party, and, in reſpect of the whole, of the leaſt or a ſmall number*, [and much more of a particular Perſon] *'tis impoſſible it ſhould be a Publick Good.* So that if perſonal Good and publick Good may be and often are inconſiſtent, the publick Good is not a perſonal Good.

3. Publick Good, *that makes for the welfare of Every one in the Community*, is a *Divine Beauty* indeed, but it's *a delicate fine thing in the Abſtract, an inviſible Being*, not to be met with in this lower World. And when we ſpeak of it as it is, it's in the *Diſcourſer's* Language, a *General Good* only.

And therefore after all, I ſhall make bold to conclude in that Author's words, [*Diſcourſe* p. 9.] *The Right of a Perſon is not to be taken as diſtinct from the Publick Good. For if it be inconſiſtent with it, there is no ground to ſet up a perſonal Intereſt againſt a Publick Good.*

2. He

2. He argues againſt Publick Good's being the meaſure of the Obligation of publick Oaths; becauſe it's impracticable and very liable to be abuſed. Thus our Author; *How ſpecious ſoever any Propoſition may ſeem in the Theory; yet it ought not to be eſteemed right or ſound, if it be impracticable, without filling the World with perpetual Troubles and Confuſions*, p. 8. And ſo he runs on for ſeveral Columns together in a rant againſt the Miſchiefs this Pretence has uſhered into the World, *p.* 10.

The Sum of all which is, 'That Publick Good doth 'not take off the obligation of publick Oaths, or make 'it lawful to take New, becauſe this Doctrine is im-'practicable; and it's impracticable, becauſe it's very 'liable to be abuſed. Now beſides the Inconſequence of this, this is a way of arguing that may ſerve againſt any thing; and if we put Publick Juſtice, or Laws, or Religion, or Reformation, into the place of *Publick Good*, it will hold in any of them as well as the other. As for Example, the Doctrine of reforming 'the Church [how corrupt ſoever] is very liable to be 'abuſed; for the greateſt part of Mankind being 'wicked and credulous againſt their Governours, un-'der this pretence a ſort of Knaves, with active Fools, 'may at any time cry up a Reformation, and overturn 'any Eſtabliſhment, *&c.*

But he may ſay, it's not the publick Good that doth this Miſchief, and makes it *impracticable*, but the *pretence* of it. But how ſhall we know when it really is ſo, and when ſo in pretence? Our Author is ſilent in the caſe, but the *Inquirer* has an Anſwer ready; *Nothing can be a Publick Good to any Nation, where the exerciſe and practice of it is not warranted by the Law,*

Cuſtom, and Conſtitution of that Nation, p. 11, & 20. And with him agrees the Author of the *Diſcourſe*, p. 8. (excepting in the *Nothing can*) *The Laws, Rights and Cuſtoms, are the Standard of the Publick Good of a Country.* But then theſe Two differ about the Conſtitution, and that is not a Controverſy here to be entred into. The Uſe I make of it is, That the Publick Good is ſtill the meaſure of the Obligation of Political Oaths, as is at laſt acknowledged even by the *Inquirer*. But yet, if after all I ſhould deny the *Inquirer's* Propoſition, that *Nothing can be a Publick Good, but* &c. and ſhould ſay, that the *Publick Good* is above all Law and Cuſtom, I conceive I ſhould not miſtake. For what made Cuſtom, Law and Conſtitution, but the Publick Good? And if a Caſe ſhould happen, which never happened before, in which the Publick Good is ſo far concerned, that without ſome extraordinary Courſe be preſently taken, the Nation and Government will be deſtroyed, I do not queſtion, but this Caſe will as much require the Care of the Nation, as any Caſe now doth require the making of a Law, for which there was no Law before: Or as it's requiſite, that there ſhould be a Chancery to adjuſt thoſe Matters, to which the Letter of the Law doth not reach. For there are ſuch things as Neceſſity, Equity, and Reaſon of State, which are Law all over the World; and that are as much the Standard by which all Laws and Cuſtoms, in extraordinary Caſes and Events, are to be adjuſted; as Law and Cuſtom are the Standard by which all ordinary Caſes are to be determined, and which are the ſettled meaſures of the Obedience we owe to Governours. Such a Caſe was that in *Poland*, when *Henry* of *Valois* in haſte and with

with ſecrecy left the Throne vacant. A Caſe extraordinary, and which they had no Law to govern them in, but they had that which is a Law to Law; Neceſſity and the Preſervation of the Nation, that ſoon taught them what was to be done.

This brings me to conſider.

3. Who ſhall be the Judg? that is, Either who ſhall Judg when the Publick Good is invaded, and when the Laws, Cuſtoms and Conſtitutions, are violated? Or, who ſhall judg what's fit to de done in ſuch a caſe, by way of Remedy? As to the former, the Caſe before us is ſuppoſed to be notorious, and what has an evident tendency to the Deſtruction of the Government: Of which ſome things are of that Nature, as they are deſtructive of Government whereever they are, as the Deſertion of a Kingdom; or the natural Incapacity of the Governour by Lunacy, *&c.* Other things there are which are deſtructive of the National Conſtitution, and ſuch amongſt us has been thought to be an abſolute and univerſal Power of diſpenſing with the Laws. Now, when the Caſes are notorious, this Author might as well have asked, who ſhall be the Judg, whether the Banks are broken down in an Inundation; or whether there is a Breach in the Walls when they ſee the Enemy preſs through it; or the City in the Power of the Enemy, when they ſee the Fortifications of it diſmantled?

But who ſhall be the Judg, that is again, by way of Remedy? Here our Author thus puts the Caſe, either that muſt be *the Supream Governour*, or ſome *other Man or Body of Men*, or the *Mobile*. The former he chuſes for himſelf; the ſecond he argues out of the way; and the third he gives to his Adverſary: For thus

thus he concludes; *After all the matter comes to the Mobile, and every Man muſt judg for himſelf:—And have not we extreamly mended the matter, by putting it into the Power of every Subject to depoſe his King; or at leaſt to endeavour it to his utmoſt, in caſe he apprehends it will be for the publick Good?* p. 9.

As to the firſt of theſe the *Supreme Governour*, the caſe we are upon immediately concerns himſelf; and then either there muſt be no Judg, or he cannot be the Judg. For ſuppoſe the Controverſy be about the Succeſſion and Title; ſuppoſe about an Incapacity, a Deſertion and Vacancy; ſuppoſe it be about the Violation and Deſtruction of the Government and Conſtitution deſigned by him; or the Nature and Obligation of the Oaths to him. This is not only to make him a perſonal Judg in his own caſe, (which the Law permits not in Suits of Law betwixt Prince and Subject) but to ſet him above himſelf, and in our Author's Phraſe, to *ſet a Supream above a Supream.* And then the Queſtion ſhould be put, not who is the Judg, but whether there is any Judg? But I readily grant that the Supream Governour has no Supream, and whatever has been done in a caſe extraordinary, doth no more make a Convention or Parliament Judges, (properly ſo called) than that the Parliament is equal to the King, becauſe he can make no Laws without them.

As for the Caſe of the People, our Author writes as if he had never read his Adverſary, who after he had reſolved the Point into the Common Good, ſaith, *I do not hereby go about to ſet up the Power of the People over Kings, which is in effect to overthrow Monarchy; for then the whole Soveraignty would lie in the People, and Kings would be but their Servants,* p. 18. And

And therefore there is the third caſe remaining, which is that of a *Body of Men*; and thus the Queſtion is put in the *Diſcourſe*:

Whether the Law of our Nation doth not bind us to Allegiance to a King and Queen in actual Poſſeſſion of the Throne, by conſent of the Three Eſtates of the Realm: And whether ſuch an Oath may not lawfully be taken, notwithſtanding any former Oath, p. 8.

This he undertakes to prove, *p.* 13. as that's no other than the *Conſent of the People*, whoſe *true Repreſentatives* they are, as he ſhews.

To this our Author has nothing to ſay; but the *Inquirer*, that he may ſeem to ſay ſomewhat, *took what ſerved his turn, and left out the reſt*: (to uſe his own Words) For this Adverſary having ſaid, *p.* 18. *If there be a Rule, the general Conſent of the People joyned with the Common Good ſeems to have been that, which our Anceſtors pretended to*: he preſently runs out upon this in a vehement Expoſtulation; *Where or how can all the People meet?* As if the Author he oppoſes thought of no leſs than the numbring of the People from *Dan* to *Beerſheba*: Or as if there was no way of taking the *General Conſent* but by an *Univerſal* Aſſembling. He that quoted what was juſt before and after, could not miſs the Explication there given; *The Conſent of the People that is the Three Eſtates of the Realm*, &c. *p.* 19. and elſewhere.

I might think here of cloſing the Diſcourſe upon Publick Good, when he himſelf *grows weary of it*; but to give an Anſwer to what remains, it's fit with him to return to it.

The Author of the *Diſcourſe* towards the beginning, treating of the *Nature and Meaſure of the Obligation of political Oaths*, ſhew'd. 1. That

1. That the Obligation was not barely from the Oath, but from ſomewhat antecedent to it, *p.* 4.

2. That the Publick Good is that Antecedent, the main End chiefly concerned in the Obligation; and the Obligation to Magiſtrates is to be in Subordination to that end. *p.* 5.

3. That an Antecedent and Superiour Obligation voids that which is ſubſequent and inferiour, when they contradict each other. So that if an Oath to the Perſon is truly inconſiſtent with the Welfare of the People, the Obligation cannot continue.

That this is ſo in other caſes, he ſhews; there being no Relation of Mankind one to another, but there is *ſome good Antecedent, which is the juſt meaſure of that Obligation they ſtand in to each other.* Thus he deſcribes it to be between Parents and Children.

(1.) On the Childrens part to Parents: inſomuch that if a Vow to God (which is as ſolemn a thing as an Oath) hinders that Good which Children are bound to do to Parents, it ceaſeth to oblige, as our Saviour declares.

To this our Author replies: *His Compariſon of a Vow and an Oath is nothing to the purpoſe; for whoever thought that either an Oath or a Vow bound a Man contrary to his real Duty? The Sin in ſuch a caſe is in making them, not in breaking them,* p. 13.

I anſwer; The Inſtance is to the *purpoſe*; for if the procuring and preſerving the publick Good be a Duty; and what a Perſon hath vowed or ſworn, be deſtructive of it; then the Oath cannot oblige, no more than a Vow not to feed or maintain a Parent, and the Jurant is diſcharged of the Obligation.

And whereas he ſaith, *The Sin is in making them*, &c. That is true where the matter is unlawful in it ſelf (as when

when the Jews bound themſelves to kill St. *Paul*) But the Caſe may happen ſo, that it may be not only lawful, but a Duty to break that Vow or Oath, which was lawful in its own Nature; or rather the Obligation comes to ceaſe; becauſe by change of Circumſtances or of the original reaſon of that Oath, that which was lawful may become unlawful. Thus it was in things ſacred and dedicated to the Service of God, and which could not be alienated from it without Sacriſedg, and yet it was lawful to apply them otherwiſe in caſe of Neceſſity, as our Saviour's caſe of the Shew-bread proves. And ſo it may happen in the caſe before us, when that which was before for the Publick Good, and which it was lawful to ſwear to maintain, may afterwards come to be plainly deſtructive of it; and ſo the ſame reaſon that there was for ſwearing to maintain it, may be for the ſetting it aſide. The want of this Conſideration led this Author into a Miſtake, when he ſaith, *Let our Anthor ſpeak out, and tell me, that taking an Oath of Allegiance to a lawful Prince is contrary to my Duty, and then*, &c. For it might be lawful and his Duty to take an Oath to a lawful Prince; but it follows not that no caſe could ever happen, in which the Obligation of ſuch an Oath ceaſes. It was lawful for *Jaddus* the High-Prieſt and the reſt of the Jews to ſwear Allegiance to *Darius as long as he lived:* And yet when *Alexander* came with a powerful Army againſt them, and *Darius* was in no Capacity of defending them, it was lawful, and, as they thought, their Duty, for the Preſervation of their Country and themſelves, to go out to meet him, and to transfer their Allegiance to him; and certainly they thought themſelves diſcharged from their former Oath to the one, when they took it to the other. So

true is that which the Author of the *Diſcourſe* obſerves; That *the Reſolution of Conſcience in this caſe doth not depend upon the Will and Pleaſure of the Perſon to whom the former Oath was made, but upon the Grounds on which it was made, and from which it had its force to oblige: And if thoſe ceaſe, the Obligation of the Oath ceaſes together with them*, p. 13.

(2.) It is ſo on the Parents part to Children, as the ſame Author ſhews; So that *if Parents, inſtead of regarding the Good of their Children, do openly deſign their Ruin, none will ſay but that they are bound to take care of their own Welfare*, &c.

To this our Author replies:

1. *I know not what a Madman may do, but none will ſuppoſe that a Parent in his right Wits will do thus; as it is both unnatural and unreaſonable to think, that a King ſhould contrive the Deſtruction of his Subjects, without whom he hath none to reign over or aſſiſt him.* This I grant is *unnatural*, and *unreaſonable* in it ſelf, but not *unreaſonable* to think; for the World too often finds that the Paſſions, and Luſts, and Intereſts of Men make them do things *unreaſonable* and *unnatural*. And our Saviour tells us, how far the Hatred Perſons have to the true Religion may tranſport them, when the Fathers ſhall *betray* and *deliver their Children to Death*.

And if it is ſo on the part of a Natural, it may be as well ſuppoſed on the part of a Political Parent.

That he ſaith is *unreaſonable* to ſuppoſe, becauſe a King by *the Deſtruction of his Subjects*, leaves himſelf *none to reign over, or aſſiſt him*. But whoever was ſo mad as to mean this, when he puts the caſe of a *Prince's deſtroying his Nation*; for then he muſt come to do it with his own hand, and his Nation muſt in *Caligula*'s way have little more than *one Neck* to ſerve his Barbarity.

rity. But they thereby mean his Deſign to deſtroy the Government, and to deſtroy thoſe that will not comply with, or oppoſe ſuch a Deſign: He chooſing rather to have no Subjects than what ſhall not be his Slaves; or in the modiſh way of a neighbouring Prince, that will not be of the ſame Religion with himſelf.

2. He ſaith, *The Author ſhould have told us, that the Children, in ſuch a Caſe, might have taken away all the Father's Subſiſtence, and done their utmoſt endeavour to ſtarve him, or cut his Throat; and no doubt but this had been an excellent Comment on the Fifth Commandment.*

But why *ſhould* that Author be obliged thus *to have told us?*

For ſuppoſe the Father would alienate the Eſtate from his Children, which is entail'd upon them; and deſigns to adopt a Stranger into that Relation, and ſubſtitute him in their Place: Suppoſe again, that a Father has ſeveral Tenants that hold of him by ancient Tenures, and by which Tenures, and performing the Conditions belonging to them, their Lands are as much their Propriety, as the Land of Inheritance is their Lord's; and that he notwithſtanding ſeeks to deſtroy their Tenures, becauſe they oppoſe him in his Deſigns againſt his Children, or in that abſolute Power over them which he aims at: Suppoſe again, that rather than not compaſs his Deſigns, he ſeeks the deſtruction of his Children, and of the Tenants that adhere to them for their own mutual Preſervation and Security: Is there no Mean to be found, but either to let the Father out, and *ſtarve* his Children, or that *the Children muſt take away all the Father's Subſiſtance, and do their utmoſt to ſtarve him?* No Mean, but to let the Father *cut the Throat* of his Children, or

that the Children muſt *cut the Throat* of their Father? And may not a Son *withdraw from his Parents immediate Care*, (as the *Diſcourſe* ſaith) and forſake his Houſe, when he cannot ſtay there but upon the hard terms of being deſtroyed, or of reſigning up the Title of his Inheritance to a ſuppoſititious Heir? Or, may not the Son take poſſeſſion of his Father's Houſe, and the Eſtate of Inheritance, which the Father abandoned, rather than he would oblige himſelf to continue the Eſtate in his Family, and ſuffer the Tenants to hold their Lands by any other Tenure than that of daring Pleaſure? May he not, I ſay, then enter upon the Eſtate, rather than ſuffer the Houſe to fall, and the Lands to be waſted, and the Tenants undone for want of a Superviſor and Poſſeſſor? And may he not keep the Poſſeſſion againſt his Parent in his own, his Families, and Tenants Right, when he comes with an armed Force of Rapperies to enſlave his Children and Tenants, and exerciſe an abſolute Power over them, or elſe deſtroy them? And may not all this be done, and the *Fifth Commandment* ſtand in its full force? If not, we muſt burn our Law-Books, and take new Meaſures from theſe Gentlemen that deſpiſe and reproach the *Common Good*, as an Engine *fitted* (in his phraſe) *to overturn any Government*; and that whilſt they pretend to plead for Law, ſet up a meer Arbitrary Power.

The third Inſtance in the *Diſcourſe* of the *Relation of Mankind one to another*, is that of *Maſters and Servants, Victors and Captives*; in which the Author proves there is *a regard had to the benefit of thoſe who are in Subjection.*

Here our Author interpoſes; *I know not*, ſaith he, *to what purpoſe he ſo labours to prove that a Natural Equi-*

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ty or Common Right is due to Subjects, yea even to Slaves: For whoever thought, that being under Government, Metamorphos'd us into Beaſts, or worſe.

It's the firſt time (though there was reaſon enough for it before) that this Author confeſſes his Ignorance; and it's pity he ſhould be ſent away uninformed.

1. It was neceſſary, becauſe though *being under Government* (rightly ſo called) *doth not metamorphoſe us into Beaſts*; yet mere *Abſolute Power comes very near it.*

2. It was to the *Purpoſe*, becauſe the Author of the *Diſcourſe* had undertaken to prove, that *there is no Relation of Mankind one to another, but there is ſome Good antecedent, which is the juſt meaſure of that Obligation they ſtand in to each other. Thus it is*, ſaith he, *between Parents and Children, Maſters and Servants.*

Oh, *but*, ſaith our Author, *he ſhould have proved, that becauſe the Subject has a Common Right, therefore he can receive no wrong*; that is, *he ſhould have proved* Non-ſence and Inconſiſtencies.

Or (as he goes on) *if he do* [receive wrong] *or apprehend he ſhall, then he may cry out, The Publick Good, and raiſe Rebellion, and overturn any Gouernments*: that is, becauſe he has received a private Injury (in which the Publick is not concerned) he may *cry out the Publick Good*: It's well he before told us the *Publick Good is a perſonal Good*, or elſe I ſhould have fil'd this up for a new Blunder.

The 4*th* Relation mentioned in the *Diſcourſe* is that *between Princes and their Subjects*: where the Author proved, that the Good of the whole is *the juſt meaſure of the Obligation they ſtand in to each other.*

1. From what *the ſtricteſt Caſuiſts* have allowed *under a State of Uſurpation.*

2. From

2. From the nature of Political *Oaths*, which are *Reciprocal*. As to the firſt of theſe.

1. In the foregoing Paragraph our Author will needs have his Adverſary to have *borrowed the worſt of Mr.* Hobbs's *Principles to patch up his Diſcourſe*, though he confutes him. And here he will have him *diſpleaſed* with the *Caſuiſts*, though they agree with him in the main Point, about Publick Good, as he there recites their opinion. *It is not denied*, ſaith he, *by the ſtricteſt Caſuiſts in theſe matters, but that under a State of Uſurpation, notwithſtanding their Oaths to a rightful Prince, Men are bound to do thoſe things which tend to the Publick Safety, as well as their own.*

Now what's this but to prove (as far as that Author intended it for) that the Publick Good is the meaſure of the Obligation, becauſe the ſtricteſt Caſuiſts in thoſe matters do not deny, *&c.*

But however our Author will have it ſo that they have *diſpleaſed* him; and he gives a very ſurprizing reaſon for it, for thus he goes on: *In another Paragraph He* (the Author of the *Diſcourſe*) *diſcovers the reaſon of his Diſpleaſure to be this, that they have not allowed them to do every thing in a State of Uſurpation, which they might do under their lawful Sovereigns.*

If I had never read more than two Pages of the *Diſcourſe*, I durſt have adventured as much as our Author would have laid, ſometime ſince, that King *William* would never paſs the *Boyn*, that there is no ſuch *Paragraph*, and no ſuch reaſon in the whole Book: and I dare now vouch after I have read it, that there is no more any ſuch *Paragraph*, than that King *William* is ſtill on the other ſide of the *Boyn*; or died of the Wound he received there.

But ſince the *Caſuiſts* will not be of his Mind, that

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Author will it ſeems be *even with them*; for (if our Author be to be credited) *he roundly condems them all, for founding it on the preſumptive Conſent of the abſent Prince: but it is his own Miſtake, for quite contrary, they found the preſumptive Conſent of the Abſent Prince upon the Publick Good.*

After all it ſeems by his own Confeſſion, that the *Caſuiſts* and his Adverſary agree, that *under a State of Uſurpation Men are bound to do thoſe things, which tend to the Publick Safety:* but they diſagree about the reaſon it's founded upon: For ſaith the *Diſcourſe, the Caſuiſts found it* (that is, the Obligation Men are under in that State, to do what's for the Publick Safety) *upon a preſumptive Conſent of the abſent Prince.* But *that's his own Miſtake*, ſaith our Author; *for quite contrary, they found the preſumptive Conſent of the abſent Prince upon the Publick Good.*

What a Penance have I to undergo, that muſt teach a Man his A B C; and that puts C for A, and B for C; (for it's no better with him here).

We are now not enquiring, upon what the *Conſent of the abſent Prince* is *founded*; but upon what the *Caſuiſts found* their Opinion of the Obligation that lies on Mankind to do what tends to the Publick Good under a Uſurpation. The former indeed the *Caſuiſts* found upon the Publick Good, but the latter they found upon the *preſumptive Conſent of the Prince*, as is evident from what he himſelf quotes out of Biſhop *Sanderſon.*

The Caſe then is that thoſe *Caſuiſts* found their opinion of doing what tends to the publick Safety under an Uſurpation, immediately on the abſent Prince's Conſent; and remotely by him, and for his ſake, on the Publick Good. But now the Author of the *Diſcourſe*

courſe thinks this to be a Miſtake; for, ſaith he, *The true Reaſon is, that Men are in the firſt place bound to promote the Publick Good, and conſequentially and with reſpect to it, to regard the Will of their Princes, who are appointed by God and Nature for that end. And if ſuch be rendred uncapable of doing it, yet the Obligation on others remains.*

2. The *Diſcourſe* proves, that *the Publick Good is the true and juſt meaſure of the Obligation of Political Oaths; in that the Oaths are reciprocal. Whereas if only the Good of the Perſons, to whom the Oaths of Allegiance are made, were to be our Rule, there would be no mutual Oaths.* This that Author proves from the Word *Allegiance* (*which originally ſignifies a Contract*) and from *Glanvil* and *Bracton*, &c.

Now this was a noble Subject for our Author to have tried his Skill upon, but as if he had the Spirit of *Clinias* upon him, he ſhuts his Eyes, and runs backward from the naked Weapon as far as he can: At laſt he is to be found three Pages behind, calling upon no leſs than two of the Holy Apoſtles to defend him, *p.* 12. for thus he ſaith, *To ſecure the Law on his ſide, he cites* Glanvil *and* Bracton, *but forgets what St.* Peter *and St.* Paul *ſaid. Let him take his ſhare with the Lawyers, I will venture my Soul with the Apoſtles.* A good thought! if the Lawyers go one way and the Apoſtles another. But I never read that St. *Paul* and St. *Peter* differed in this matter from *Glanvil* and *Bracton*; and that thoſe Holy Apoſtles ever determined againſt them, that Political Oaths were not reciprocal; or that the Publick Good is not the true and juſt meaſure of the Obligation of ſuch Oaths.

However by this conceit, he has got rid of a troubleſom task; *I need not*, ſaith he, now *anſwer the Citation:*

tation: but how his *as*, and his *ſo* come to be a reaſon for it, I don't well underſtand. However I dare paſs my word for his Adverſary (*who*, he ſaith, *has changed his Divinity for a little bad Law*) that he has ſo much Divinity and Law yet left, as (no leſs than our Author) *never to be perſuaded, that it was lawful upon any pretence whatſoever to rebel, or to countenance Rebellion againſt a Sovereign Prince*; and I am as *ſure* that it is ſtill, as he is, *that not long ſince it was both the Doctrine of the Church of* England, *and the Law of the Land*: which brings me to the laſt Point.

§. III. Of Obedience to Authority.

After our Author had *wearied* himſelf (as he profeſſeth) with *diſcourſing of the Publick Good*, and ruined the main Point, that he might yet render it, as *Jeruſalem*, ſo uncapable of Recovery, that not one Stone ſhould be left upon another that ſhould not be thrown down; he reſolves to give a *brief Anſwer* (to make good the Title of his Book) *to ſuch other things in the Diſcourſe that may require it*. Some of which, as belonging to the Subject of *Publick Good*, I have already conſidered. Amongſt theſe, he ſelects the *Anſwer* that is returned in the *Diſcourſe* to *the Hiſtory of Paſſive Obedience*. And here I thought, if any where, I ſhould have found him bold and forward to ſupport the Credit of that main Pillar of their Cauſe; but as if he was ſenſible of his own Weakneſs, he cryes out abominably of the *Anſwer* to it, ſhifts it off with a ſilly Compariſon; and as if he had raiſed a Spirit he could not conjure down; runs back as far as he can, without running out of the Book, to the caſe of *Vows* (which is before conſidered) and then as one confounded, bounces forward again, and concludes, *I do not remember any thing more in his Diſcourſe material, except a numerous heap of Inſtances, and in the Van comes the unfortunate* Vortigern; which with a little Wipe he ſends, as that Prince was, out of the way; and then as if he had been inſpired at *Montſorrel*, takes a leap from p. 13, to p. 34. of the *Diſcourſe*: and there he meets with ſomewhat which was not *material* enough to be *remembred*. But it ſeems his Adverſary being *ſo elevated about the Determination of our Saviour, of paying Tribute to* Tiberius, *that he in Zeal cannot forbear to call the Non-Swearers Perjured and Apoſtates*; Our Author conceives he may without any Reflection upon his own *Memory* call him to an account for it; if it were only for a notable Remark he makes upon it, *viz. Some Men ſurely are not only privileged, but admired for ſpeaking Contradictions*. I was

thinking for some time, where this *Contradiction* might be, and, Dunce as I was, began to look backward and forward for it, whereas I perceived at length it was that the *Discourse* charged the *Non-Swearers* with *Perjury*. But bating the *Contradiction*, we know who has been sufficiently quit with him for it, in the like charge upon the *Jolly Swearers*.

After I had found out this Conceit, I was at a loss again to find out the Paragraph where this *Contradiction* was: and at length discovered it, but found withal our Author true to himself; who for ought I see, may (in his own Words) be *priviledged*, but I doubt not *admired*, for his many blundering Mistakes: of which this is one, for he might as well have said, and with as much credit to his own Understanding, that his Adversary called the *Non-Swearers* Jews, as *Perjured and Apostates*. For indeed what is said in the *Discourse* of *Perjured* and *Apostates*, is applied to that People, and only to them. The Words are these:

As to the dreadful charge of Perjury and Apostacy which some have made use of against those who hold it lawful to take the Oaths —— it would have had more Appearance of Reason, if the Pharisees had urged it against our Saviour's Resolution of the Case about Tribute-Money. After this manner: *For, had not God by his own Law settled the Government amongst them?* &c. *What can it be then less than Perjury and Apostacy to give any Countenance to such an open Violation of this Law?*

Who would not pity this Writer of Controversy that cannot see into the Connexion of an Argument for ten lines backward or forward? for what reason I will not determine.

But now comes on a Flourish of Learning; for by an unhappy Parenthesis the *Discourse* has of *Velleius Paterculus* about the Senate, he understood there was, I will not say such an Author in the World, but such a Passage in that Author (for he was sensible he might trust his Adversary in that matter) and here he bears up to him, fights him with his own Weapon. *To be short*, saith he, *I think the Testimony of* Velleius *to be better than our Author's, tho he so scornfully reject him*; as if his Adversary had set his own say-so against that of *Velleius*, whereas he had proved the contrary, from *Suetonius*, *Dio* and *Tacitus*; and therefore might well say, *Whatever* Velleius Paterculus *pretends*.

We are at last drawing to a close, and therefore he resolves to give his Adversary a parting Blow or two. *He boasts*, saith he, *what he had gained upon the account of the Jews paying Tribute, but it will impose upon none but Fools and Partizans, and I will give*

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it no particular Anſwer. Merciful Man! *becauſe he miſrepreſents the caſe both of the* Jews *and* Tiberius. But it would have been ſome Satisfaction in this ſuſpicious Age to have given an Inſtance or two; or elſe there are a ſort of troubleſom Inquirers, that will be apt to believe that the beſt reaſon he had why he would not *give a particular Anſwer* was, becauſe he could not. As now it will be asked, Wherein doth the *Diſcourſe miſrepreſent the caſe of the Jews?* Was it that *Darius* was any other than a *de facto* King over them? or that they did not ſwear Allegiance to him as long as he lived? Or, did they notwithſtanding, not ſubmit to *Alexander*, and enter into his Service, and transfer their Allegiance to him? Where again doth the *Diſcourſe* miſrepreſent the Caſe of *Tiberius?* Had he any Right to the Empire? or had he at firſt any other Title than from the Prætorian Band and Legions? Or, did not the Senate and People ſwear to him at laſt, though he was in the Throne before, and a notorious Uſurper of it? But though our Author lets his Adverſary go for once with his *Miſrepreſentations* ſcot-free; yet by the vertue of *ſome few Particulars* he has in reſerve, he queſtions not but to put him to the rout; *and then let him* (ſorry Man as he is, that when girding on his Harneſs, boaſts himſelf as he that putteth it off) *reckon his Gains*; And they are theſe four.

1. *That none ſhould rule over the Jews but one of their own Brethren, was deſigned as a Bleſſing, and their being given up to a Foreign Power, was a Judgment*, &c. What then? Therefore they might not lawfully transfer their Allegiance from their own Blood to a Foreigner. If that be the Conſequence, what becomes of *Nehemiah* who ſerved as Governour under *Artaxerxes?* What of *Jaddua* and the *Jews* of his time with their Oath of Fidelity to *Darius?* &c. If they did well, the Queſtion is, (as it's in the *Diſcourſe*) *On what Right that Oath is founded?*

2. He pleads, *They were under a State of Conqueſt.* What follows, but that therefore their Allegiance to their Royal Stem was ſo far at an end; or they might lawfully transfer their Allegiance to a Foreigner? What now becomes of Succeſſion?

3. He urges, *That the Queſtion to our Saviour, was not concerning Oaths but Tribute, which he grants all Caſuiſts do allow, may be paid even to an Uſurper.* But he knows, what uſe and what *Gain* too his Adverſary made of this; *the Queſtion is* (ſaith the *Diſcourſe*) *Whether any Act of Subjection be lawful or not? If it be lawful to teſtify it one way, why not another! If in paying Tribute, why not in ſolemn promiſing to pay it? If in promiſing, why not in ſwearing*, i. e. *in calling God to witneſs that I do it? Thus far then we may go, we may ſwear to pay Tribute; but on what account? Is it not as a Token of Allegiance*, i. e. *as a Duty owing on the account of Protection?* &c. If this way of arguing will *impoſe upon none but Fools and Partizans*; why doth not our Author who is to be ſure no *Partizan*, ſhew that he is no *Fool* by anſwering it, and preventing *Fools*

from being *imposed* upon by such a shew of reasoning as here seems to be?

4. He saith, *That at that time no Man had* jus potius, *nor had there been any* prior *Oaths taken in bar against* Tiberius; *so that though he calls him an Usurper, I know not where he will find one with a better Title.*

1. He saith *no Man had jus potius*, a better Right. Surely the Author turn'd over the Page before, where he will find that *Agrippa Posthumus* was then living, one much nearer to *Augustus*, and that seemed designed by him to succeed him.

Surely again there was a *jus potius* in the Senate, from whom even *Augustus* was willing to receive it; and upon those Rights, the whole was an Invasion; and which was as much as if it had been the Right of a particular Person.

2. No *prior Oaths*. What thinks he of the Oath of *Jaddus* to *Darius*, when yet he went over to *Alexander*? What thinks he of the Obligation to the Senate, as to the present Case?

3. He saith, *I know not where he will find a better Title*: that is, than one who intruded himself into the Throne without any Pretence in the World, without the leave of Senate or People. So that in all respects there was hardly a worse *Title* in the Universe.

But for once I will adventure to set a better Title before him, and that is of one, that when wrong'd by a neighbouring Prince and Relative, and by one resolved against giving him any Satisfaction, to the securing that Right which he had to the Throne after his Decease, and a quiet Possession of it, took up Arms to right himself; upon whose Approach the other left his Throne and Kingdom, which the injur'd Person with the consent of the Estates of the Kingdom entered upon.

Now if Allegiance was lawfully sworn to a *Tiberius*, a Man of as little Right to the Empire, as of little Vertue: what is not then lawful and due to one that has such a Right and Title to it?

To conclude: If our B. Saviour did allow Tribute to be paid to *Tiberius*, and there is so little difference between Tribute and an Oath (as the *Discourse* hath shewn) our Author might have saved his impudent Slander against his Adversary, (which I will not repeat) who, as if he was *run mad with the Sectaries* he speaks of in *Solomon*'s Phrase, *casteth Firebrands, Arrows and Death.*

Toward the beginning our Author saith of himself, *I have taken a safer course in this matter to appear before the Tribunal of Heaven, than the Jolly Swearers*, p. 2. But when I reflect upon his Disingenuity and hard Censures, *&c.* I thought surely he was then in earnest (which his stornful Title he gives his Brethren there, seems not reconcileable to) he forgot himself for ever afterward; and litttle thought of the *Tribunal* i another World; or that there were any amongst Mankind to *inmind* (I knows the word) or to call him to an account here for such gross Prevarications.

FINIS.